

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL PROTECTION OF )	
THE REVENUE/COST INFORMATION FILED WITH )	
BELLSOUTH TELECOMMUNICATIONS, INC.'S )	CASE NO. 96-076
PROPOSED TARIFF FOR 9-1-1 PINPOINT )	
SERVICE <sup>SM</sup> )	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed February 29, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue and cost support data developed in connection with BellSouth's proposed tariff for 9-1-1 PinPoint Service<sup>SM</sup> on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth has filed a proposed revision to its tariff, which introduces 9-1-1 PinPoint Service<sup>SM</sup>. This new service allows 9-1-1 calls placed from PBX stations to be identified at the Public Safety Answering Point ("PSAP") with specific station address and location information. Without PinPoint Service the PSAP shows only the main station number and address even though the caller may be located on a different floor or in a different building. In support of the tariff filed for this service, BellSouth has filed revenue and cost support data which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate business need to know and act upon the information. BellSouth seeks to preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

BellSouth's competitors for 9-1-1 PinPoint Service<sup>SM</sup> are AT&T's Automatic Number Outward Identification and any PBX vendors that can identify stations behind the PBX. Disclosure of the information would enable such competitors to determine BellSouth's revenue and cost and contribution from the service, which they could use in marketing their competing services to the detriment of BellSouth.

Therefore, disclosure of the information is likely to cause BellSouth competitive injury, and the information should be protected as confidential.

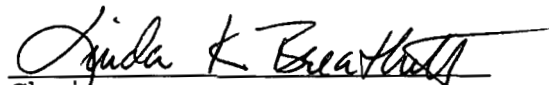
BellSouth also maintains that the information should be protected because it contains vendor-specific pricing, which is subject to non-disclosure agreements, and that disclosure of the revenue and cost information would impair BellSouth's ability to contract for goods or services on favorable terms in the future. However, because it has been determined that this information is entitled to protection on other grounds, these issues need not be addressed.


This Commission being otherwise sufficiently advised:

IT IS ORDERED that the cost information filed in support of the proposed tariff provision for 9-1-1 PinPoint Service<sup>SM</sup>, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 16th day of April, 1996.

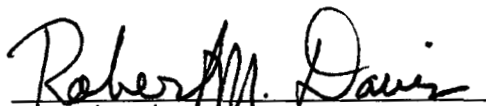
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

  
Commissioner